19th CONGRESS, 1st SESSION. [Doc. No. 21.] HO. OF REPS. EXECUTIVE.

MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING

DOCUMENTS

Touching the Treaty with the Cherokee Indians,

RATIFIED IN 1819.

JANUARY 3, 1826.

Read, and laid upon the table.

WASHINGTON:

PRINTED BY GALES & SEATON.

1826.

To the House of Representatives of the United States:

WASHINGTON, *January* 3, 1826.

In compliance with a resolution of the House of Representatives, of the 23d of last month, I communicate herewith a report from the Secretary of War, with the documents touching the Treaty with the Cherokee Indians, ratified in 1819, by which the Cherokee title to a portion of lands within the limits of North Carolina was extinguished.

JOHN QUINCY ADAMS.

DEPARTMENT OF WAR,

December 29, 1825.

The Secretary of War, to whom was referred the resolution of the House of Representatives of the 23d instant, requesting the President to communicate to the House "all the correspondence, and other documents, touching the Treaty between their Government and the Cherokee Indians, ratified in 1819, by which the Cherokee title to a portion of lands within the limits of North Carolina was extinguished, if not incompatible with the public interest," has the honor to transmit herewith the papers, No. 1 and 2, which are the only documents in relation to the subject in the War Department; and to add, that the negotiations, which resulted in the formation of the treaty of 1819, were carried on by personal interviews.

Respectfully submitted,

JAMES BARBOUR.

The PRESIDENT *of the United States.*

JAMES MONROE,

PRESIDENT OF THE UNITED STATES OF AMERICA.

To all to whom these Presents shall come, Greeting:

Know Ye, That I have given and granted, and do hereby give and grant, to John C. Calhoun, Secretary of War, full power and authority, and also a general and special command to hold conferences, and to conclude and sign a treaty or treaties with the Cherokee deputation, now at the Seat of Government, and with such deputations from other tribes of Indians as may be now at the seat of Government, or may come to it during the present session of the Senate, transmitting the same to the President of the United States of America for his final ratification, by and with the advice and consent of the Senate thereof, if such advice and consent be given.

In testimony whereof, I have caused the Seal of the United States to be hereunto affixed. Given under [L. S.] my hand, at the City of Washington, the twenty-third of February, A. D. 1819, and of the Independence of the United States the forty-third.

JAMES MONROE.

By the President:

JOHN QUINCY ADAMS, *Secretary of State.*

To the CHEROKEE DELEGATION:

In order to avoid mistakes, and to present my views more fully on some of the points which were touched on at our last interview, I have judged it proper to make the following written communication.

The Cherokees to make a cession in proportion to the estimated number of their nation on the Arkansaw, and the emigrants who are enrolled to go there. The United States prefer the cession to be made in the states of Tennessee and Georgia; and in the latter state it would be desirable, that it should be made as near and convenient to the present settlements in Georgia, as possible.

The reservation which the Cherokees wish to make of a portion of their land for a school fund, must be in the Alabama territory, as the cession which will be made in Georgia will belong to that state, and that which may be made in Tennessee will be subject to the location of the warrants granted by the state of North Carolina. It is also understood, that the reservation so to be made, is not to constitute any part of that portion of land which the Cherokees may cede in conformity to the principle which is contained in the preceding

paragraph, but is to be made in addition to such cession, as it will be wholly for the benefit of the Cherokee nation.

The United States will extend its kindness and protection to both branches of the Cherokee nation—to that which is west, as well as that which may choose to continue to the east, of the Mississippi; but, as the Cherokees on the Arkansaw are unrepresented, no particular stipulation in regard to them can be binding, and must therefore be waived. The land which has been granted to them on the Arkansaw, they will hold in the same manner, and by the same title by which the Cherokees now hold theirs.

It is understood that the delegation in behalf of their nation, wishes to strengthen the guarantee of that portion of the land which may be left to them, after making the proposed cessions, so that it may be to them a permanent and lasting home without further cessions. To secure such great benefits, it is indispensable that the cessions which they may make should be ample, and the part reserved to themselves should not be larger than is necessary for their wants and convenience. Should a larger quantity be retained, it will not be possible, by any stipulation in the treaty, to prevent future cessions. So long as you may retain more land, than what is necessary or convenient for yourselves, you will feel inclined to sell, and the United States to purchase. The truth of what I say, you know, cannot be doubted, as your own experience, and that of all Indian nations, prove it to be true. If, on the contrary, you only retain a suitable quantity, no more cessions will be asked for or made, and they will be settled down permanently. You are now becoming like the white people: you can no longer live by hunting, but must work for your subsistence. In your new condition, far less land is necessary for you. Your great object ought to be, to hold your land separate among yourselves, as your white neighbours; and to live and bring up your children in the same way as they do, and gradually to adopt their laws and manners. It is thus only that you can be prosperous and happy. Without this, you will find you will have to emigrate, or become extinct as a people. You see that the Great Spirit has made our form of society stronger than yours, and you must submit to adopt ours, if you wish to be happy by pleasing Him. I believe you know what is right, and feel disposed to do it, and it is our wish that you should be happy and prosperous. We take an interest in your fate, as you were the first proprietors of this happy country, and are our near neighbours; but it is proper you should put confidence in our government, and take the advice which is offered sincerely for your good.

I am, &c.

J. C. CALHOUN.

Department of War, 11*th February*, 1819.